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OFFICE OF PETITIONS

In re Application of :
Halkier, et al. :
Application No. 10/756,813 :
Filed: January 12, 2004 :
Attorney Docket No. 0201us622 :
For: A METHOD FOR PREPARING MODIFIED :
POLYPEPTIDES :

ON PETITION

This is a decision on the petition, filed October 25, 2004 (certificate of mailing date October 20, 2004), requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed September 16, 2004, insofar as it alleges that pages 74 and 75 of the specification appeared to have been omitted from the initial filing. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **DISMISSED**. Any further reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

The application was filed on January 12, 2004. On September 16, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that pages 74 and 75 of the specification appeared to have been omitted.

In response to the Notice, petitioners filed the present petition. Petitioners request that pages 74 and 75 be accorded a filing date of January 12, 2004 on the basis that 75 pages of specification, 4 pages of claim, and one page of Abstract, totaling 80 pages of application, were received in the Patent and Trademark Office (PTO) on January 12, 2004. It is noted that only 78 pages of application are present in the application file.

Unfortunately, the instant petition is incomplete. The supporting evidence cited in the petition, the date stamped postcard receipt, cannot be located. Petitioners are requested to submit another

copy of the date stamped postcard receipt.

The application file will be retained in the Office of Petitions until the date stamped postcard receipt is re-submitted

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
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By hand: U.S. Patent and Trademark Office
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By FAX: (703) 872-9306 – ATTN: Office of Petitions

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



E. Shirene Willis
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Office of Petitions